



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Adam J. Katz, et al.
Serial No.: 09/936,665
Filed: September 10, 2001
U.S. Patent No. 6,777,231
Docket: 30448.77USW1

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MAR 11 2005

OFFICE OF PETITIONS

CERTIFICATE UNDER 37 CFR §1.8

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2004.

By: 

Name: Tracy Truick

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 C.F.R. §1.8.
- ☒ Communication
- ☒ Exhibits A-C
- ☒ Return postcard

Please charge any additional fees or credit overpayment to Deposit Account No. 50-0306. A duplicate of this sheet is enclosed.

MANDEL & ADRIANO

55 South Lake Avenue, Suite 710
Pasadena, California 91101
(626) 395-7801

By: 

Name: Sarah B. Adriano
Reg. No.: 34,470
Initials: SBA

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CPE/JCVS



30448.77USW1/SBA/RDG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Marc H. Hedrick, Prosper Benhaim and Min Zhu
U.S. Serial No.: 09/936,665 **Examiner:** Irem Yucel, Ph.D.
Filed: September 10, 2001 **Group Art Unit:** 1636
U.S. Patent No.: 6,777,231
Issue Date: August 17, 2004
Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

55 So. Lake Avenue, Suite 710
Pasadena, California 91101
August 27, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

COMMUNICATION

Applicants are submitting herein, for a second time, copies of a Petition for Correction of Inventorship under 37 C.F.R. §1.48(b) dated November 20, 2003, in connection with the above-referenced patent application.

Applicants initially submitted to the U.S. Patent and Trademark Office a Petition Under 37 C.F.R. §1.48(b) and the requisite fee by first class mail on November 20, 2003 (**EXHIBIT A**). As evidence that the Patent Office received the November 20 submission, Applicants attach the return post card which bears an "OIPE" stamp dated November 24, 2004, from the Patent Office (please see **Exhibit A**).

In order to facilitate Correction of Inventorship, Applicants subsequently submitted a first copy of the Petition by facsimile on January 21, 2004 (**EXHIBIT B**).

Applicant: Marc H. Hedrick, Prosper Benhaim and Min Zhu
U.S. Serial No: 09/936,665
Filed: September 10, 2001
Page: 2

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OFFICE OF PETITIONS

Submissions of Petition Under 37 C.F.R. 1.48(b) occurred prior to the date of payment of the Issue Fee.

The subject application is now granted U.S. Patent No. 6,777,231, issued on August 17, 2004, and despite Applicants' petition, the patent lists the incorrect inventors. On August 25, 2004 Examiner Yucel informed Applicants' representative that the Patent Office has no record of receiving the 1.48(b) Petition submitted on November 20, 2003, or the courtesy copy to the Examiner sent by facsimile on January 21, 2004.

As required by the rules under 37C.F.R. §1.322, Applicants request the Patent Office to enter and respond to the Petition filed November 20, 2003 (copies of which are attached).

In accordance with Examiner Yucel's suggestion, in a separate communication, Applicants concurrently correct the inventorship of the issued patent by submitting a Request for Certificate of Correction (a copy of which is attached as **EXHIBIT C**).

There is no due date for submitting this communication. No fee is deemed necessary in connection with the filing of this communication. However, if any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306. Accordingly, this communication is being timely filed.

Respectfully submitted,

Sarah B. Adriano

Sarah B. Adriano
Registration No. 34,470
Roberta D. German
Registration No. 43,902
Patent Practitioners for Applicants
Mandel & Adriano
55 South Lake Avenue, Suite 710
Pasadena, California 91101
(626) 395-7801
Customer No. 26,941

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MAR 11 2005

OFFICE OF PETITIONS

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: Adam J. Katz et al.

Serial No: 09/936,665

Filed: September 10, 2001

Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

Docket: 30448.77USW1

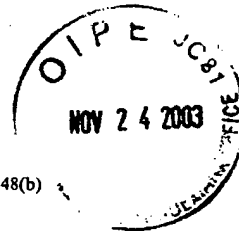
Date of Mailing: November 20, 2003

Transmittal sheet, in duplicate, containing Certificate under 37 CFR §1.8.

Communication For A Petition For Correction Of Inventorship Under 37 C.F.R. §§1.48(b)

Exhibit I

A check in the amount of \$130.00 to cover the filing fee.



Patent

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SBA/trt

RAFO
12/1/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Adam J. Katz, et al.
Serial No.: 09/936,665
Filed: September 10, 2001
Docket: 30448.77USW1
Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

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By: 
Name: Tracy Truick

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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OFFICE OF PETITIONS

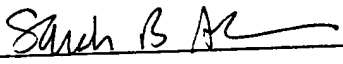
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 C.F.R. §1.8.
- ☒ Communication For A Petition For Correction Of Inventorship Under 37 C.F.R. §1.48(b)
- ☒ Exhibit 1
- ☒ A check in the amount of \$130.00 to cover the filing fee.
- ☒ Return postcard

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MANDEL & ADRIANO
55 South Lake Avenue, Suite 710
Pasadena, California 91101
(626) 395-7801

By: 
Name: Sarah B. Adriano
Reg. No.: 34,470
Initials: SBA

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Applicant: Adam J. Katz, et al.
Serial No.: 09/936,665
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Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

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Name: Tracy Truick

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55 South Lake Avenue, Suite 710
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By: 

Name: Sarah B. Adriano

Reg. No.: 34,470

Initials: SBA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Adam J. Katz, et al.
Serial No : 09/936,665 **Examiner:** W. Sandals, Ph.D.
Filed : September 10, 2001 **Group Art Unit:** 1636
For : ADIPOSE-DERIVED STEM CELLS AND LATTICES

55 South Lake Avenue, Suite 710
Pasadena, California 91101
November 20, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RECEIVED
MAR 11 2005
OFFICE OF PETITIONS

SIR:

**COMMUNICATION FOR A PETITION FOR
CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(b)**

Applicants submit the following Petitions to correct the inventorship of the claims in the subject application under 37 C.F.R. §1.48(b).

In accordance with the requirements of 37 C.F.R. § 1.48(b), Applicants provide the following:

1. Petition for Correction of Inventorship under 37 C.F.R. §1.48(b) signed by a registered attorney acting in a representative capacity in compliance with 37 C.F.R. §1.33(b) (**Exhibit 1**);

Additionally, Applicants submit a check in the amount of \$130.00 to cover the following:

- (a) fee of \$130.00 under 37 C.F.R. §1.17(i) for 37 C.F.R. §1.48(b);

The proper and correct inventors in view of the allowed claims are: (1) Marc H. Hedrick, (2) Prosper Benhaim, and (3) Min Zhu. Please change the inventorship accordingly.

Based on a good faith belief at the time of filing, the inventors were properly named in the subject application for the originally filed claims. On December 30, 2002, August 11, 2003 and October 23, 2003, as amendments, Applicants amended claims 1-7, added new claims 139-148, cancelled claims 140-146, and of these claims, claims 1-7, 139 and 147-148 are now allowable.

Four less than all of the originally named inventors are the actual inventors in the invention being claimed. Accordingly, Applicants provide a petition (annexed herewith as Exhibit 1) identifying the inventors who are being deleted and acknowledging that the inventors' invention is no longer being claimed in the application. Additionally, Applicants include a fee under 37 C.F.R. §1.17(i).

No fees, other than the fees under 37 C.F.R. §§1.48(b), are deemed necessary in connection with the filing of this Petition. If any other fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,



Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Attorneys for Applicants
Mandel & Adriano
55 South Lake Avenue, Suite 710
Pasadena, California 91101
626/395-7801
Customer No. 26,941

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Adam J. Katz, et al.
Serial No : 09/936,665 **Examiner:** W. Sandals, Ph.D.
Filed : September 19, 2001 **Group Art Unit:** 1636
For : ADIPOSE-DERIVED STEM CELLS AND LATTICES

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

**PETITION FOR CORRECTION OF INVENTORSHIP
UNDER 37 C.F.R. §1.48(b)**

Applicants submit this Petition to request correction of inventorship for the subject application under 37 C.F.R. §1.48(b) in view of the claims now allowed.

The correct inventors were properly named in the subject application as originally filed. As originally filed, there was no error in including Adam J. Katz, Ramon Llull, J. William Futrell, and Hermann Peter Lorenz in the inventorship of the subject application. During prosecution, claims were amended and canceled, thereby requiring deletion of inventors under 37 C.F.R. §1.48(b).

The subject application was originally filed with claims 1-7. In the course of prosecution, Applicants amended 1-7, added new claims 139-148, and cancelled claims 140-146.

Presently, claims 1-7, 139 and 147-148 are being examined and are allowed.

Adam J. Katz, Ramon Llull, J. William Futrell, and Hermann Peter Lorenz are not inventors of allowed claims 1-7, 139 and 147-148. Therefore, Applicants respectfully request that Adam J. Katz, Ramon Llull, J. William Futrell, and Hermann Peter Lorenz be removed as inventors of the claims in the subject application.

In accordance with 37 C.F.R. §1.48(b), Applicants provide a check in the amount of \$130.00 under 37 C.F.R. §1.17(i). No fee, other than the fee under 37 C.F.R. §1.17(i), is deemed necessary in connection with the filing of this Petition. If any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,



Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Attorneys for Applicants
Mandel & Adriano
55 South Lake Avenue, Suite 710
Pasadena, California 91101
626/395-7801
Customer No. 26,941

MANDEL & ADRIANO

INTELLECTUAL PROPERTY ATTORNEYS

55 S. LAKE AVENUE, SUITE 710
PASADENA, CALIFORNIA 91101
PHONE 626/395-7801
FAX 626/395-0694

FACSIMILE TRANSMISSION

To: Examiner Remy Yucel
Title: Primary Examiner
Institution: United States Patent and Trademark Office
Group Art Unit: 1636
U.S. Serial No.: 09/936,665
Facsimile No.: 571-273-0781
Total No. of pages: 10

From: Sarah B. Adriano
Date: January 21, 2004
Dkt. No.: 30448.77USW1

Certificate under 37 C.F.R. §1.8: I hereby certify that this paper and the attachments herewith are being deposited by facsimile with the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 21, 2004.



Richele Ann Domingo

COMMENTS:

For your information, here is confirmation of our filing.

This facsimile message is confidential and may contain attorney privileged information intended only for the use of the individual or company named above. If the reader is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, so that we may arrange for the return of the original message to us. If you do not receive all of the pages, please contact us at any of the numbers provided above.

Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

Applicant: Adam J. Katz et al.
Serial No: 09/936,665
Filed: September 10, 2001
Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

Docket: 30448.77USW1
Date of Mailing: November 20, 2003

Transmittal sheet, in duplicate, containing Certificate under 37 CFR §1.8.
Communication For A Petition For Correction Of Inventorship Under 37 C.F.R. §§1.48(b)
Exhibit 1
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Patent

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SBA/trt

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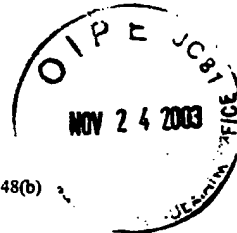
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Patent

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SBA/trt



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By: 

Name: Tracy Truick

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

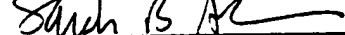
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Name: Sarah B. Adriano

Reg. No.: 34,470

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Name: Sarah B. Adriano
Reg. No.: 34,470
Initials: SBA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Adam J. Katz, et al.
Serial No : 09/936,665 **Examiner:** W. Sandals, Ph.D.
Filed : September 10, 2001 **Group Art Unit:** 1636
For : ADIPOSE-DERIVED STEM CELLS AND LATTICES

55 South Lake Avenue, Suite 710
Pasadena, California 91101
November 20, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SIR:

**COMMUNICATION FOR A PETITION FOR
CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(b)**

Applicants submit the following Petitions to correct the inventorship of the claims in the subject application under 37 C.F.R. §1.48(b).

In accordance with the requirements of 37 C.F.R. § 1.48(b), Applicants provide the following:

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Additionally, Applicants submit a check in the amount of \$130.00 to cover the following:

- (a) fee of \$130.00 under 37 C.F.R. §1.17(i) for 37 C.F.R. §1.48(b);

The proper and correct inventors in view of the allowed claims are: (1) Marc H. Hedrick, (2) Prosper Benhaim, and (3) Min Zhu. Please change the inventorship accordingly.

Based on a good faith belief at the time of filing, the inventors were properly named in the subject application for the originally filed claims. On December 30, 2002, August 11, 2003 and October 23, 2003, as amendments, Applicants amended claims 1-7, added new claims 139-148, cancelled claims 140-146, and of these claims, claims 1-7, 139 and 147-148 are now allowable.

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Respectfully submitted,



Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Attorneys for Applicants
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Adam J. Katz, et al.
U.S. Serial No. 09/936,665
Filed: September 10, 2001
Page 2

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Respectfully submitted,



Sarah B. Adriano
Registration No. 34,470
SaraLynn Mandel
Registration No. 31,853
Attorneys for Applicants
Mandel & Adriano
55 South Lake Avenue, Suite 710
Pasadena, California 91101
626/395-7801
Customer No. 26,941

**** Transmit Conf. Report ****

P.1

Jan 21 2004 10:33

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MANDEL & ADRIANO

INTELLECTUAL PROPERTY ATTORNEYS

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PASADENA, CALIFORNIA 91101
PHONE 626/395-7801
FAX 626/395-0694

FACSIMILE TRANSMISSION

To: Examiner Remy Yucel
Title: Primary Examiner
Institution: United States Patent and Trademark Office
Group Art Unit: 1636
U.S. Serial No.: 09/936,665
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Richelle Ann Domingo

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U.S. Serial No.: 09/936,665 **Examiner:** Irem Yucel, Ph.D.
Filed: September 10, 2001 **Group Art Unit:** 1636
U.S. Patent No.: 6,777,231
Issue Date: August 17, 2004
Title: ADIPOSE-DERIVED STEM CELLS AND LATTICES

55 So. Lake Avenue, Suite 710
Pasadena, California 91101
August 27, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 35 U.S.C. §254 AND 37 C.F.R. §1.322

This communication is being submitted by Applicants as a Request for Certificate of Correction under 37 C.F.R. §1.322 to correct errors contained in the list of inventors, in connection with the above-referenced U.S. Patent. Applicants have determined that the mistake is due to an error made by the U.S. Patent and Trademark Office.

Applicant: Marc H. Hedrick, Prosper Benhaim and Min Zhu
U.S. Serial No: 09/936,665
Filed: September 10, 2001
Page: 2

Request for Certificate of Correction under 37 C.F.R. §1.322

Applicants provide an original (**EXHIBIT A**) and one copy (**EXHIBIT B**) of the Patent Office form PTO/SB/44 indicating the errors found in the above-referenced patent.

The corrected errors on form PTO/SB/44 are as follows:

Inventors: Marc H. Hedrick
Prosper Benhaim
Min Zhu.

The error was incurred through fault of the U.S. Patent and Trademark Office. On November 20, 2003, Applicants filed via mail a Petition for Correction of Inventorship under 37 C.F.R. §1.48(b) and the requisite fee of \$130. In the November 20 petition, Applicants requested the U.S. Patent and Trademark Office to remove four inventors, including: Adam J. Katz, Ramon Llull, J. William Futrell and Hermann Peter Lorenz.

As evidence that the Patent Office received the November 20 submission, Applicants attach herewith a true and accurate photocopy of the Petition under 37 C.F.R. §1.48(b), and the return postcard which shows an "OIPE" stamp from the U.S. Patent Office (**EXHIBIT C**).

Applicants provided to the Examiner, a courtesy copy of the §1.48(b) Petition, via facsimile, on January 21, 2004. As evidence that Applicants sent the January 21 Petition, Applicants attach herewith a true and accurate photocopy of the Petition under 37 C.F.R. §1.48(b) and a facsimile transmission sheet (**EXHIBIT D**). Applicants note the Petition was submitted prior to the due date of the Issue Fee.

Concurrently, Applicants are filing a Communication to Examiner Yucel regarding the Petition. A copy of the Communication is attached as **EXHIBIT E**.

Applicant: Marc H. Hedrick, Prosper Benhaim and Min Zhu
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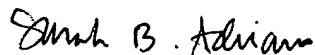
In view of the comments set forth hereinabove and Exhibits A-D, Applicants maintain that the above-mentioned errors in the subject patent occurred through the fault of the Patent Office.

Accordingly, Applicants respectfully request that the Commissioner issue a Certificate of Correction under 37 C.F.R. §1.322 in accordance with the attached form PTO/SB/44. No fee is required for the issuance of a Certificate of Correction under 37 C.F.R. §1.322.

No fee is deemed necessary in connection with the filing of this communication. However, if any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

There is no due date for submitting this communication. Accordingly, this communication is being timely filed.

Respectfully submitted,



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